United Nations A/C.3/53/SR.49

General Assembly
Fifty-third session

Official Records

Distr.: General
28 January 1999
English
Original: French

Third Committee

Summary record of the 49th meeting
Held at Headquarters, New York, on Wednesday, 18 November 1998, at 3 p.m.

Chairman: Mr. Hachani ..... (Tunisia)

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98-83551 (E)

The meeting was called to order at 3.15 p.m.

Award of human rights prizes in 1998

1. **Ms. Stamatopoulou** (Office of the United Nations High Commissioner for Human Rights), responding to questions posed by the representatives of China and Cuba at the 48th meeting with respect to awards of human rights prizes, said that the award of such prizes had been approved by the General Assembly in a resolution of 1966 and that prizes had been awarded in 1968, 1973, 1978, 1988 and 1993. In May 1998, the High Commissioner for Human Rights had addressed a letter to Heads of State requesting them to submit nominations, it being understood that nominations could be made either by the Governments themselves or by non-governmental organizations, specialized agencies or other appropriate bodies. The nominations received had been submitted to a special committee composed of the President of the General Assembly, the President of the Economic and Social Council, the Chairman of the Commission on Human Rights, the Chairman of the Subcommission on Prevention of Discrimination and Protection of Minorities and the Chairman of the Commission on the Status of Women. The special committee had met in mid-October and had taken its decision which, in accordance with the established practice, would remain confidential until 10 December when the prizes would be awarded.

2. **The Chairman** said that it was an item which had been considered in the plenary meeting of the Assembly and not by the Third Committee. Since the latter had no decision-making role to play, the Bureau proposed that it should not engage in a sterile discussion. The prizes would be awarded by the Secretary-General or the President of the General Assembly.

3. **Mr. Reyes Rodríguez** (Cuba) said that since decision 52/424 on the award of human rights prizes had been taken upon the recommendation of the Third Committee, the Committee had the mandate to consider the issue. Moreover, if the procedure adopted when resolution 2217 (XXI) had been drawn up was confidential, then it was a policy of the past and Member States had every right to reject it; Cuba was doing so and would continue to do. Since the prizes were awarded on behalf of the United Nations and not only of a Committee, there must be transparency with respect to information thereon.

4. **Mr. Ren Housheng** (China) asked whether the special committee's decision had to be endorsed by the Assembly.

5. **Ms. Stamatopoulou** (Office of the United Nations High Commissioner for Human Rights) said that in accordance with General Assembly resolution 2217 (XXI), the special committee took the final decision on the matter; it was not submitted to plenary meeting of the General Assembly.

Agenda item 105: Report of the United Nations High Commissioner for Refugees: questions relating to refugees and displaced persons and humanitarian questions (*continued*) (A/C.3/53/L.52, L.53, L.54 and L.55)

Introduction of a draft resolution

Draft resolution A/C.3/53/L.53: Assistance to refugees, returnees and displaced persons in Africa

6. **Ms. Mdoe** (United Republic of Tanzania), introducing the draft resolution on behalf of the Group of African States, said that Yemen had also become a sponsor of the draft resolution. The draft resolution updated General Assembly resolution 52/101 and had taken into account developments in the refugee situation since the previous year. It had been the subject of lengthy debates among African countries and had been enriched by very useful comments from the European Union. She hoped that, as in the past, it would be adopted by consensus.

Action on draft resolutions

Draft resolution A/C.3/53/L.52: Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

7. **The Chairman** said that the draft resolution contained no programme budget implications.

8. **Mr. Nikiforov** (Russian Federation) said that Iceland, Israel and the former Yugoslav Republic of Macedonia had joined the sponsors of the draft resolution.

9. *Draft resolution A/C.3/53/L.52 was adopted without a vote.*

10. **Mr. Koziy** (Ukraine), explaining why his country had not sponsored the draft resolution, said that the results of the Regional Conference certainly constituted a useful basis for international cooperation. His country, which had actively participated in the Conference, supported the principles outlined in the Programme of Action, which it intended to implement fully.

11. However, despite the title of the Conference and the general atmosphere which had prevailed at the gathering, the resolution referred to an entity which was not a subject of international law, did not represent any geographical region within the normal meaning of the term and was merely a multilateral mechanism for consultations and negotiations. His delegation therefore disassociated itself from the references made in the fourth and fifth preambular paragraphs and in paragraphs 2, 6, 7 and 9 of the draft resolution.

Draft resolution A/C.3/53/L.54: New international humanitarian order

12. **The Chairman**, noting that the draft resolution had no programme budget implications and recalling that Guinea-Bissau, Kazakhstan and Mauritania had become sponsors at the time of its introduction, announced that Israel and Malaysia had joined the sponsors of the draft resolution.

13. **Ms. Keppler-Schlesinger** (Austria), speaking on behalf of the European Union, said that the European Union had proposed a number of amendments that had been taken into account. Nevertheless, that initiative should, in the future, be pursued in the framework of the debate in the Economic and Social Council on humanitarian questions. The European Union remained willing to cooperate in that connection with the sponsor of the draft resolution at the next substantive session of the Council. That was the basis on which the European Union associated itself with the proposed text.

14. *Draft resolution A/C.3/53/L.54 was adopted without a vote.*

Draft resolution A/C.3/53/L.55: Office of the United Nations High Commissioner for Refugees

15. **The Chairman** noted that the draft resolution had no programme budget implications and that Bolivia, Botswana, Chad, Cape Verde, Guinea, Malta, Paraguay, Swaziland and Uruguay had added their names to the list of sponsors when the text had been introduced; he announced that Eritrea and the Sudan had joined the sponsors of the draft resolution.

16. **Ms. Newell** (Secretary of the Committee) read out the oral revision made by Sweden during its introduction of the draft resolution. The beginning of paragraph 10 should read as follows: "Calls upon States and all concerned parties to continue to closely cooperate with the staff of the Office of the High Commissioner and other humanitarian personnel in performing the functions required under their mandates, ..."; the remainder of the paragraph was unchanged.

17. **Mr. Sjörgen** (Sweden) said that the Federated States of Micronesia, Kyrgyzstan and Togo had joined the sponsors of the draft.

18. *Draft resolution A/C.3/53/L.55, as orally revised, was adopted without a vote.*

19. **Ms. Pang** (Singapore) said that her delegation, which supported the general approach reflected in the draft resolution, nonetheless had reservations concerning paragraph 5. Whether in its statements or in practice, Singapore did not, owing to its vulnerability and limited resources, recognize an automatic and unrestricted right of asylum.

Agenda item 110: Human rights questions *(continued)*

(a) Implementation of human rights instruments (*continued*) (A/C.3/53/L.22/Rev.1, A/C.3/53/L.23 and A/C.3/53/L.62)

Draft resolution A/C.3/53/L.22/Rev.1: Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

20. **The Chairman**, noting that draft resolution A/C.3/53/L.22/Rev.1 had programme budget implications and that Israel and Monaco had joined the list of sponsors, invited the Committee to take a decision on the draft resolution.

21. **Ms. Newell** (Secretary of the Committee), reading out the statement of programme budget implications, said that subparagraph (b) of the eighth preambular paragraph, the ninth preambular paragraph and paragraph 6 (a), (b) and (c), which requested the Secretary-General to secure or seek resources for the human rights treaty bodies, dealt with administrative and budgetary matters. The attention of the members of the Committee was drawn to the provisions of General Assembly resolution 45/248, Part B, section VI, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters, reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions and expressed its concern at the tendency of its substantive Committees and other intergovernmental bodies to involve themselves in administrative and budgetary matters. The Fifth Committee was shortly to adopt recommendations concerning the allocation of resources in the programme budget for the biennium 2000–2001, bearing in mind the priorities already approved by the General Assembly.

22. **Ms. McVey** (Canada), after announcing that the Republic of Korea, the Russian Federation and the former Yugoslav Republic of Macedonia had joined the sponsors of the draft resolution, read out an amendment which consisted of replacing paragraph 32 with a text based on paragraph 23 of Commission on Human Rights resolution 1998/27, as follows: "Also welcomes the contribution of the human rights treaty bodies, within their mandates, to the prevention of violations of human rights, in the context of their consideration of reports submitted under their respective treaties." Her delegation hoped that the draft would be adopted by consensus.

23. **Mr. Al-Hariri** (Syrian Arab Republic) said that he would have preferred for the statement of implications of the draft resolution to be circulated as an official document, as had been done in respect of draft resolution A/C.3/53/L.23; he hoped that that would be done in the future.

24. **The Chairman** said that the Cuban delegation had requested a separate vote on paragraph 26 of the draft resolution.

25. **Mr. Reyes Rodríguez** (Cuba), explaining his delegation's position on paragraph 26 before the vote, said that his delegation attached great importance to the effective implementation of international instruments on human rights and therefore worked to achieve universal ratification of all such instruments. Nevertheless, substantive and formal reasons argued in favour of a separate vote on paragraph 26.

26. From the substantive standpoint, cooperation and coordination between the human rights treaty bodies and the special and thematic procedures of the Commission on Human Rights was unacceptable in the light of their differences. Moreover, from the legal standpoint, neither those bodies nor the mechanisms of the Commission on Human Rights were fully autonomous; that was why the Vienna Declaration on human rights, in its paragraph 88, entrusted States parties, the General Assembly and the Economic and Social Council with the responsibility of ensuring cooperation and coordination. Moreover, while the mandate of the human rights treaty bodies had been negotiated in an atmosphere of openness, transparency and consensus, the same could not be said of the mechanisms of the Commission on Human Rights, many of which were the result of less than fully transparent negotiations. The mechanisms of the Commission on Human Rights and the human rights treaty bodies had different mandates and characteristics; any effort to coordinate the two groups would only foster the politicization of the treaty bodies' actions, while jeopardizing their credibility and effectiveness.

27. From the formal standpoint, an identical paragraph had been the object of a separate vote at the previous session of the General Assembly. His delegation had, in a spirit of understanding and harmony, cooperated with the sponsors of the draft resolution within the Commission on Human Rights, and a consensus had been reached with the deletion of the paragraph in question. As cooperation had now given way to confrontation, his delegation, had requested a separate vote and would vote against the draft resolution.

28. **Mr. Mukhopadhaya** (India), speaking in explanation of vote before the voting, said that human rights treaty bodies were an effective instrument for the promotion and protection of human rights. India had signed or ratified the principal human rights instruments and had fulfilled its reporting obligations thereunder. When, at its fifty-second session, the Committee had been required to take a decision on paragraph 21 of the text that was to become resolution 52/118, his delegation had drawn attention to the tendency to adopt resolutions that were political in nature on the methods of work of bodies which had been established pursuant to international instruments. If that trend continued, it might have an adverse impact on the effective implementation of the instruments. The cooperation and coordination between those bodies and the special procedures of the Commission on Human Rights which were referred to in paragraph 26 of the draft resolution raised a problem in that the former were bodies of experts who had been elected by the States parties, while the latter were of a more political nature. Even though they complemented each other, the mechanisms were different. The Indian delegation was therefore of the view that the combining of the two types of mechanisms could adversely affect a system that was working well and could ultimately jeopardize the cooperation given by States to the international human rights bodies. It was regrettable that the authors of the text had not changed their position after the consultations. India would therefore vote against paragraph 26.

29. **Mr. Hynes** (Canada), speaking on a point of order, said that his delegation would have welcomed an opportunity to explain the justification for the paragraph. As a co-sponsor of the draft resolution, it would vote in favour of paragraph 26 and urged other delegations to do likewise.

30. **Mr. Carle** (United States of America) said that Cuba had proposed that a vote should be taken on paragraph 26 and Canada should therefore have been allowed to explain its vote.

31. *A recorded vote was taken on paragraph 26 of draft resolution A/C.3/53/L.22/Rev.1.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Equatorial Guinea, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Namibia, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against:

Cuba, Democratic People's Republic of Korea, Egypt, India, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Syrian Arab Republic.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Bhutan, Brunei Darussalam, Cape Verde, China, Democratic Republic of the Congo, Fiji, Gabon, Guyana, Indonesia, Lao People's Democratic Republic, Lebanon, Malaysia, Mali, Mauritania, Mauritius, Myanmar, Nicaragua, Niger, Nigeria, Pakistan, Papua New Guinea, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Sri Lanka, Sudan, Trinidad and Tobago, Tunisia, United Republic of Tanzania, Viet Nam, Yemen.

32. *Paragraph 26 of draft resolution A/C.3/53/L.22/Rev.1 was retained by 93 votes to 7, with 38 abstentions.*

33. **Mr. Reyes Rodríguez** (Cuba) said that the Cuban delegation dissociated itself from paragraph 26.

34. *Draft resolution A/C.3/53/L.22/Rev.1 as a whole was adopted without a vote.*

35. **Mr. Al-Hariri** (Syrian Arab Republic) said that his delegation had joined the consensus even though it had voted against paragraph 26, which was ambiguous and did not make clear the modalities of cooperation and coordination between the international human rights treaty bodies and the mechanisms of the Commission on Human Rights. That could have adverse repercussions on the effective implementation of the instruments.

Draft resolution A/C.3/53/L.23: Torture and other cruel, inhuman or degrading treatment or punishment

36. **The Chairman** said that the statement of the programme budget implications of the draft resolution, which had been submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly, was contained in document A/C.3/53/L.62. He recalled that at the time that the draft resolution was being introduced, Cyprus, Madagascar, Malta, the United States of America and Venezuela had joined its sponsors.

37. **Ms. Geelan** (Denmark) announced that Bosnia and Herzegovina, Côte d'Ivoire and France had joined the sponsors of the draft resolution and expressed her appreciation for the flexibility which the sponsors had shown during the consultations in taking into account the concerns of other delegations. The text should be amended as follows: the last four words of paragraph 1, "on a regular basis", should be deleted; in the first line of paragraph 9, the word "progress" should be replaced by "efforts"; in the third line of the same paragraph, the words "with a view to establishing" should be replaced by "which is intended to establish". In the first line of paragraph 10, the word "Welcomes" should be replaced by the words "Takes note with appreciation of". In the third line of paragraph 11, the words "respond positively" should be replaced by "give serious consideration"; in the fourth line of the same paragraph, the words "give appropriate effect" should be replaced by "the follow-up". In the fourth line of paragraph 12, the word "including" should be replaced by "in particular". In the third line of paragraph 13, the words "notably that on crime prevention and criminal justice" should be inserted after "United Nations programmes". In the fourth line of paragraph 24, the words "sub-item entitled Implementation of human rights instruments" should be replaced by "appropriate sub-items of the agenda". The Danish delegation believed that the text reflected a willingness to cooperate with the Special Rapporteur in the fulfilment of his mandate, which required the collaboration of Governments, and hoped that the draft resolution would be adopted by consensus.

38. **The Chairman** announced that Croatia had joined the list of sponsors.

39. *Draft resolution A/C.3/53/L.23, as amended, was adopted without a vote.*

40. **Mr. Baali** (Algeria), speaking in explanation of position, said that his delegation had participated actively in the consultations on draft resolution A/C.3/53/L.23 and would have liked that important text to take account of the concerns of all delegations. A very worrying trend was emerging at the United Nations that consisted in attempts to amend through resolutions the provisions of treaties adopted by plenipotentiaries at diplomatic conferences. Attempts were thus being made to undermine the sovereign right of States to formulate reservations, and to accord treaty bodies the power to pass judgement on the admissibility or scope of reservations. Similarly, it was being openly suggested that treaty bodies should consider the reports submitted by States in their absence although the aim was to arrive through dialogue at an objective and impartial appraisal of the reports and to enhance cooperation with the State concerned in order to achieve more effective and more comprehensive implementation of the various human rights instruments. The sponsors of the draft resolution had also attempted, in paragraph 11, to broaden improperly the mandate of the Special Rapporteur and the scope of the resolutions of the Commission on Human Rights and the General Assembly by calling on States to respond positively to the Special Rapporteur's requests to visit their countries, a demand which had no basis in law whatever. His delegation dissociated itself completely from that paragraph but had agreed to join the consensus because it believed that the international community must combat torture and all other cruel treatment with the utmost rigour. Algeria would never accept the fraudulent amendment of the provisions of international instruments, whether by means of consensus resolutions or any other inadmissible manoeuvre. It was prepared to have open and transparent discussions on the mandate of the various bodies and believed that countries struggling with the enormous challenges of underdevelopment and poverty while embarking simultaneously upon the process of democratization should not be blackmailed where human rights were concerned.

41. **Ms. Mekhemar** (Egypt), speaking in explanation of position, said that Egypt was ready to work with the various committees and special rapporteurs and that she wished to see a cooperation mechanism which would clearly define the duties and obligations of all concerned in order to avoid violating the principles enshrined in the Charter of the United Nations. Paragraph 11 flouted an important principle of international law, that of State sovereignty, which conferred upon States the power to agree to or refuse visits by special rapporteurs. That provision of the draft resolution introduced a new concept. Her delegation therefore dissociated itself from the consensus with respect to paragraph 11.

42. **Mr. Al-Hariri** (Syrian Arab Republic), speaking in explanation of position, said that the amendments made to the draft resolution had not taken account of his delegation's concerns with respect to paragraph 11. That paragraph changed the mandate of the Special Rapporteur, necessitating the implementation of special procedures which were not provided for in the draft resolution. His delegation therefore could not join the consensus on the draft resolution.

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/53/L.33, L.39, L.40, L.46, L.49 and L.50)

Introduction of draft resolutions

Draft resolution A/C.3/53/L.39: Situation of human rights in Cambodia

43. **Ms. Kerr** (Australia), introducing draft resolution A/C.3/53/L.39, said that Belgium, Costa Rica, Denmark, Germany, Latvia, Liechtenstein and Portugal also wished to sponsor the draft resolution. The text, which was based on the report of the Special Representative of the Secretary-General for human rights in Cambodia (A/53/400), emphasized the evolution of the situation in that country since the adoption of resolution 52/135. It took note of the progress made (national elections in July 1998, the formation of a provisional Cambodian human rights committee, the appointment by the Secretary-General of a group of experts to evaluate the existing evidence concerning the crimes committed by the Khmer Rouge) and of the areas where more needed to be done.

44. The formation of a Government had long been awaited and Australia, like other countries, had done all it could to encourage the Cambodians to resolve their political problems. It welcomed in that respect the agreement concluded recently which should make it possible to put in place a new Government, to convene a meeting of the National Assembly on 25 November, to promote political stability and to facilitate the task of a Government faced with rebuilding the country and protecting human rights.

45. The sponsors of the draft resolution had agreed to make the following revisions: paragraph 4 should be divided in two, the first part concluding with "elections" and the second part — new paragraph 5 — reading as follows: "*Notes* that the elections demonstrated the clear desire of the

Cambodian people for democracy, stresses the need for the constructive engagement of all parties in order to fulfil the objective of the elections, the formation of an elected, constitutional Government, and, in this context, welcomes the agreement reached between political parties to convene the national assembly and to establish a coalition Government". Also, the following words should be added at the end of paragraph 6: "and takes note of the statements of the joint international observer group regarding the polling and counting processes of the elections".

46. Having emphasized the contribution made by various countries, particularly those of South-East Asia, she said her delegation hoped that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/53/L.49: The human genome and human rights

47. **Mr. Doutriaux** (France), introducing draft resolution A/C.3/53/L.49, said that the Bahamas, Belize, Croatia, Ghana, Honduras, Iraq, Luxembourg, Panama, Thailand and the former Yugoslav Republic of Macedonia wished to join the sponsors of the draft resolution.

48. The adoption of the draft resolution by the General Assembly would demonstrate the importance accorded in the political arena to the implications of the most recent scientific progress in the field of genetic engineering, broaden the consensus which had already emerged on the matter within the international community, thus reinforcing the universal nature of the UNESCO Declaration, and emphasize the need to work together to meet the challenges in a field which touched upon the protection of human rights.

49. It was vital that the international community should reach a greater understanding of the moral implications of genetic engineering and continue its efforts to arrive at a common response, built on consensus, to the ethical problems raised by scientific progress.

50. His delegation hoped that the draft resolution would be adopted by consensus.

51. **Mr. Al-Hariri** (Syrian Arab Republic) said that the Arabic version contained an error in the title of the draft resolution.

52. **The Chairman** said that Burundi, Djibouti, Nepal, Sierra Leone, Slovakia and Tunisia also wished to sponsor the draft resolution.

Action on draft resolutions

Draft resolution A/C.3/53/L.33: Human rights and unilateral coercive measures

53. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.33, which had no programme budget implications.

54. **Mr. Mofokeng** (South Africa) said that China had joined the sponsors.

55. *A recorded vote was taken.*

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, San Marino, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Azerbaijan, Cyprus, Jordan, Kazakhstan, Kyrgyzstan, Malta, Marshall Islands, Ukraine, Uzbekistan.

56. *Draft resolution A/C.3/53/L.33 was adopted by 104 votes to 44, with 10 abstentions.*[*]

57. **Ms. Faetanini** (San Marino) said that the electronic voting machine had not correctly registered the fact that her delegation had voted against the draft resolution.

Draft resolution A/C.3/53/L.40: Human rights and extreme poverty

58. **The Chairman** said that the draft resolution had no programme budget implications. At the time of its introduction, Benin, Bhutan, Burkina Faso, Burundi, Cameroon, China, Croatia, Cyprus, Ethiopia, Guinea, Guinea-Bissau, Italy, Japan, Mali, Nepal, Pakistan, Portugal, Sierra Leone and Ukraine had become sponsors, and Comoros, the Democratic Republic of the Congo, Egypt, Equatorial Guinea, Eritrea, Liberia, Malawi, Mauritania, Nigeria, Senegal and Uganda wished to do so.

59. **Mr. Chuquihuara** (Peru) said that Indonesia and Tunisia had also become sponsors of the draft.

60. *Draft resolution A/C.3/53/L.40 was adopted without a vote.*

Draft resolution A/C.3/53/L.46: Question of enforced or involuntary disappearances

61. **The Chairman** said that the draft resolution had no programme budget implications. At the time of its introduction, Cuba, Hungary, Iceland, Latvia, Portugal, the Republic of Moldova, Senegal, Sweden and the United States of America had become sponsors, and Benin, Comoros, New Zealand, the Niger and Romania wished to do so.

62. **Ms. de Carné de Trécesson** (France) said that Liechtenstein and the former Yugoslav Republic of Macedonia had become sponsors of the draft.

63. *Draft resolution A/C.3/53/L.46 was adopted.*

Draft resolution A/C.3/53/L.50: United Nations Decade for Human Rights Education, 1995–2004, and public information activities in the field of human rights

64. **The Chairman** said that the draft resolution had no programme budget implications. At the time of its introduction, Austria, Benin, Botswana, Burundi, Côte d'Ivoire, Guinea, the Philippines, the Russian Federation, Togo, Ukraine and Venezuela had become sponsors, and Antigua and Barbuda, Burkina Faso, the Democratic Republic of the Congo, El Salvador, Equatorial Guinea, the Federated States of Micronesia, France, Ghana, Guinea-Bissau, India, Indonesia, Madagascar, Malawi, Nepal, Peru, Rwanda, Senegal, Sierra Leone and Suriname wished to do so.

65. **Ms. de Wet** (Namibia) said that Argentina, Cameroon and Finland had also become sponsors.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/53/L.38, L.43, L.51, L.60 and L.61)

Draft resolution A/C.3/53/L.60: Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

66. **Mr. Carle** (United States of America), introducing the draft resolution, said that Australia, Denmark, Germany, Greece, Iceland, Ireland, Liechtenstein, Norway, Slovakia and Sweden had become sponsors of the draft resolution and that amendments had been made to the draft. At the end of the seventh preambular paragraph the words "the former Yugoslavia" should be replaced by "the region", and in paragraph 42 the words "in the former Yugoslavia" should be replaced by "in the Federal Republic of Yugoslavia (Serbia and Montenegro)". Furthermore, the word "greater" in paragraph 25 of the draft should be replaced by "additional".

67. The draft resolution was only one of the long-term efforts made by the United Nations in order to help Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to emerge from years of war and to develop democratic and tolerant civil societies with full respect for international human rights standards.

68. However, the situation of human rights varied from one country to another, as did the steps taken by their Governments in order to meet their obligations under the Dayton Agreement. While there had been some progress in Bosnia and Herzegovina and Croatia, the situation in the Federal Republic of Yugoslavia had worsened in some respects.

69. The Governments of those three countries were responsible for creating an atmosphere conducive to the

[*] The delegation of Niger subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

voluntary return of their minority populations. In September 1998, Bosnia and Herzegovina had held elections that had demonstrated a move towards pluralism, and the Government was endeavouring to restructure its police forces. However, it should accelerate the reintegration process and the creation of a multi-ethnic police force that would enhance public security and encourage the return of minority populations. Croatia had assumed control of Eastern Slavonia and was working to bring its legislation into line with international standards, but it still needed to implement rapidly its new refugee return programme. Although there were still problems with respect to the Republika Srpska, both Bosnia and Herzegovina and the Republic of Croatia, unlike the Federal Republic of Yugoslavia, had increased their cooperation with the International Tribunal for the Former Yugoslavia.

70. However, the problems concerning internationally recognized standards of human rights were the most immediate. Freedom of speech and of assembly remained underprotected in the Republic of Croatia, the return of its Serbian residents was not proceeding at an acceptable pace and progress towards democracy was slow. Bosnia and Herzegovina, for its part, should facilitate the return of refugees. As to the Federal Republic of Yugoslavia, its Government's actions in Kosovo were so egregious that they had warranted the introduction of a separate resolution. The authorities of that country had used excessive force against the civilian Albanian population and had refused to implement the Dayton Agreement. The Federal Republic of Yugoslavia and the Republika Srpska continued to harbour war criminals and refused to cooperate with the Tribunal. The Federal Republic of Yugoslavia had also attacked the freedom of academics and of the media.

71. Lastly, he noted that the Federal Republic of Yugoslavia (Serbia and Montenegro) was not the successor State to the former Socialist Federal Republic of Yugoslavia. Other republics which had emerged from that State had become Members of the United Nations, and the steps necessary to do so were clear.

72. **Mr. Bhatti** (Pakistan) said that Pakistan wished to become a sponsor of the draft resolution.

73. **The Chairman** said that Estonia had also become a sponsor.

Draft resolution A/C.3/53/L.38: Situation of human rights in the Islamic Republic of Iran

74. **The Chairman** said that draft resolution A/C.3/53/L.38 had no programme budget implications and invited the Committee to vote on it.

75. **Mr. Garcia** (El Salvador), speaking in explanation of vote before the vote, said that his Government shared many of the concerns which the representative of Austria had expressed on behalf of the European Union when introducing the draft resolution. In particular, he was concerned at the discrimination against religious minorities and the persecution of Baha'is. However, since the Government of the Islamic Republic of Iran had undertaken a major process of domestic reform intended to promote human rights, he would abstain from voting in order to encourage Iranian society and the Iranian Government in their endeavours to remove all obstacles to the exercise of human rights and fundamental freedoms, the consolidation of democracy and the achievement of national reconciliation as quickly as possible.

76. **Ms. Mekhemar** (Egypt) said that, generally speaking, it was undesirable to politicize human rights issues, consideration of which should be based on three major principles: non-interference in the internal affairs of States, refusal to use human rights as a means of pressure or coercion and the display of objectivity and respect for cultural differences. Furthermore, she noted that capital punishment, mentioned in paragraph 11 of the draft, was not prohibited under international law, as seen from article 6 of the International Covenant on Civil and Political Rights; it was recognized by the Sharia, there was no consensus on its repeal and the issue was one to be settled under the domestic legislation of individual States.

77. **Mr. Bhatti** (Pakistan) said that human rights should not be used to put pressure on States, nor should double standards be applied in considering the human rights situation in different countries. The general view was that the situation of human rights in the Islamic Republic of Iran had improved considerably. Existing mechanisms and procedures for the protection of human rights had been strengthened and the Government was taking new measures in that respect. His delegation would vote against the draft resolution, which did not fully reflect such progress.

78. **Ms. Ibrahim** (Sudan) denounced the international community's selectivity and lack of objectivity when it considered the situation of human rights in various countries, as well as the pressure it put on States in the name of human rights. Her delegation could not accept paragraph 11 of the draft resolution, since international law did not prohibit capital punishment, which was recognized under Sharia law and other legal systems. She would therefore vote against the draft resolution.

79. **Mr. Rabuka** (Fiji) said that, since his country ascribed great importance to the principle of non-interference in the domestic affairs of States, it would abstain during the voting.

80. **Mr. Alaii** (Islamic Republic of Iran) said that, contrary to the impression that the draft resolution might give, the situation of human rights in the Islamic Republic of Iran had improved considerably. In keeping with the tenets of Islam and the values of Iranian civilization, his Government had undertaken to further strengthen national institutions for the protection and promotion of human rights and fundamental freedoms, involve civil society in the political life of the country, promote the advancement of women and ensure respect for the rule of law in the administration of justice and in other areas. The draft resolution, which played down all those positive developments and disregarded in particular the importance of the internal and indigenous mechanism for the protection and promotion of human rights, was not constructive and was counter-productive.

81. His delegation had tried to work with the sponsors of the draft resolution in order to produce a consensus text. In that regard, it had put forward practical proposals that would do away with old and outdated mindsets and pave the way for innovative approaches. Although those efforts had not been successful, his Government would nevertheless resolutely continue its efforts to promote human rights in the country in accordance with Iranian values and culture and with its determination to improve the living conditions of the Iranian people.

82. While the promotion of human rights was a noble objective, using human rights for political purposes was deplorable. Draft resolution A/C.3/53/L.38, which tended to favour the political interests of certain countries at the expense of purely human rights considerations, and disregarded the improvements in the situation of human rights in the Islamic Republic of Iran and the cooperation of the Iranian Government, was unacceptable. He therefore invited members of the Committee to vote against the draft resolution.

83. *A recorded vote was taken on draft resolution A/C.3/53/L.38.*

In favour:

Algeria, Andorra, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Romania, Russian Federation, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against:

Afghanistan, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, India, Indonesia, Iran (Islamic Republic of), Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Myanmar, Oman, Pakistan, Philippines, Qatar, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Syrian Arab Republic, Turkmenistan, Viet Nam, Zambia, Zimbabwe.

Abstaining:

Albania, Angola, Antigua and Barbuda, Bhutan, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Colombia, Côte d'Ivoire, Cyprus, Djibouti, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Guinea, Guyana, Jamaica, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Madagascar, Mali, Mauritania, Mexico, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Papua New Guinea, Republic of Korea, Republic of Moldova, Saint Lucia, Senegal, Singapore, South Africa, Suriname, Swaziland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay.

84. *Draft resolution A/C.3/53/L.38 was adopted by 63 votes to 35, with 60 abstentions.*

85. **Mr. Sepelev** (Russian Federation), speaking in explanation of vote after the voting, said that given the unquestionable improvement in the situation of human rights in the Islamic Republic of Iran, the draft resolution on the matter should have been adopted by consensus. He hoped, however, that the sponsors of the text would intensify their consultations aimed at reaching a consensus at the forthcoming session of the Commission on Human Rights in order to settle that issue.

86. **Mr. Cordeiro** (Brazil) said that his delegation shared a number of the concerns expressed in the draft resolution,

including those relating to discrimination against religious minorities and persecution against the Baha'is, and had voted in favour of the draft resolution. However, it recognized that the situation of human rights in the Islamic Republic of Iran had improved in recent years, as noted by the Special Representative of the Commission on Human Rights (A/53/423), and it encouraged the Iranian Government to continue its efforts, especially as far as religious minorities were concerned.

Draft resolution A/C.3/53/L.43: Human rights in Haiti

87. **The Chairman**, noting that the draft resolution contained no programme budget implications, said that, at the time of its introduction, the delegations of Australia, Belgium, Belize, Brazil, Denmark, the Dominican Republic, Hungary, Iceland, Israel, Saint Lucia and Trinidad and Tobago had also become sponsors.

88. **Ms. Newell** (Secretary of the Committee) read out the oral revisions made by the representative of Venezuela to the text of the draft resolution. In the eleventh preambular paragraph, the phrase "be able to express their wishes fully through free, honest and transparent elections" should be replaced by the phrase "be able to fully express their will through free, fair and transparent elections". In the first line of operative paragraph 5, the word "statement" should be replaced by the word "stalemate".

89. **Ms. Di Felice** (Venezuela) announced that Nicaragua had become a sponsor of the draft resolution.

90. *Draft resolution A/C.3/53/L.43, as orally revised, was adopted without a vote.*

91. **Ms. Romulus** (Haiti) said that, as noted by the independent expert of the Commission on Human Rights on the situation of human rights in Haiti (A/53/355), the human rights situation had been improving for some years in her country. However, much still remained to be done and Haiti counted on the cooperation of the international community to address the legitimate demands of the Haitian people. She thanked all the sponsors of the draft resolution, especially Venezuela, for their support and steadfast commitment to the Haitian cause.

Draft resolution A/C.3/53/L.51: Situation of human rights in Nigeria

92. **The Chairman** informed the Committee that the draft resolution contained no programme budget implications.

93. *Draft resolution A/C.3/53/L.51 was adopted without a vote.*

Draft resolution A/C.3/53/L.61: Situation of human rights in Kosovo

94. **The Chairman**, noting that the draft resolution contained no programme budget implications, said that at the time of its introduction, Croatia, Iceland and the United Arab Emirates had also become sponsors.

95. **Ms. Newell** (Secretary of the Committee) read out the oral revisions that had been made to the draft resolution by the United States representative when it had been introduced. Paragraph 14 (c) should be replaced with the following: "To allow complete, unimpeded access for the International Tribunal for the former Yugoslavia and its forensic experts to Kosovo, to examine the recently alleged atrocities against civilians;". In the second line of paragraph 32, the phrase "in the territory of the former Yugoslavia" should be replaced by the phrase "in the territories of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)".

96. **Mr. Kuehl** (United States of America) announced that New Zealand had become a sponsor of the draft resolution. The sponsors of the draft resolution had paid careful attention to its wording. The word "self-governance" in paragraph 16 of the English version of the draft resolution was a case in point. Its translation into French and Spanish was not accurate. He proposed that, in the French version, the phrase "de favoriser la création d'une administration autonome véritablement démocratique au Kosovo" should be replaced by the phrase "la création d'une auto-gouvernance véritablement démocratique au Kosovo". In the Spanish version, the phrase "el establecimiento de un autogobierno verdaderamente democrático" should be replaced by the phrase "el establecimiento de una autogobernabilidad verdaderamente democrática". The translation into the Organization's other official languages was closer to the English term and did not pose any problems.

97. **Mr. Le Blet** (France) said that he was not fully satisfied with the translation proposed by the United States representative and would later contact the Secretariat in that regard.

98. **Mr. Arda** (Turkey) said that, since the early 1990s, his country, as a Balkan State, had been closely following developments ensuing from the disintegration of the Socialist Federal Republic of Yugoslavia. From the onset of the massacres committed by the Serbs in Bosnia and Herzegovina, his Government had done its utmost to motivate the international community to find a rapid solution to the conflict. Unfortunately, during the three-year period of conflict, many had merely looked on, comforting

themselves with the idea that their countries had provided military personnel to the United Nations for the defence of the victims. His delegation feared that the international community might show the same indifference towards Kosovo as it had towards Bosnia and Herzegovina and that history would repeat itself.

99. His delegation had participated actively in the negotiations on the draft resolution. It had made every effort to make the draft resolution as realistic as possible by clearly exposing the nature of the conflict — which was but the continuation of the ethnic cleansing operation begun by the Serbs in Bosnia and Herzegovina — and had also attempted to make the voice of the people of Kosovo heard.

100. Unfortunately, his delegation had not achieved its objectives and believed that the international community had missed an opportunity to send a clear and strong message to the Serbs. In that connection, paragraphs 7 and 16 of the draft resolution had serious shortcomings and, in paragraph 9, the condemnation of violence by armed ethnic Albanian groups concealed the actual nature of the violence committed in Kosovo, which was attributable to the policy of the Belgrade Government. Had there been a separate vote on those three paragraphs, his delegation would have voted against them. As that had not been the case, it preferred, in a spirit of compromise, to join the consensus.

101. **Mr. Sepelev** (Russian Federation) said that his delegation could not join the consensus referred to by the representative of Turkey and requested a recorded vote on the draft resolution.

102. **Mr. Spirollari** (Albania) said that he would explain his delegation's position before the General Assembly voted on the draft resolution in plenary meeting.

103. *A recorded vote was taken on draft resolution A/C.3/53/L.61.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Canada, Cape Verde, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Poland, Portugal, Qatar, Republic of Korea, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Zambia.

Against:

Belarus, India, Russian Federation.

Abstaining:

Benin, Bhutan, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, China, Colombia, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Eritrea, Ethiopia, Ghana, Guinea, Jamaica, Lao People's Democratic Republic, Madagascar, Mozambique, Myanmar, Namibia, Nepal, Peru, Philippines, Republic of Moldova, Singapore, Sri Lanka, The former Yugoslav Republic of Macedonia, Uganda, Ukraine, United Republic of Tanzania, Venezuela, Zimbabwe.

104. *Draft resolution A/C.3/53/L.61 was adopted by 115 votes to 3, with 34 abstentions.*

105. **Mr. Sepelev** (Russian Federation) said that his delegation had voted against the draft resolution because it discussed the human rights situation in Kosovo without ever expressly recognizing that Kosovo was part of the Federal Republic of Yugoslavia. His delegation had also voted against it in the belief that the draft resolution should promote universal respect for human rights rather than aggravate, if only indirectly, the violence committed in Kosovo, by whichever side, or, worse still, support any idea of separatism.

106. His delegation welcomed the constructive approach taken by the European Union with regard to the draft resolution and the atmosphere of transparency and cooperation which the sponsors had created. The amendments proposed by the European Union had considerably improved the draft resolution by making it more balanced and more objective. His delegation would have supported them had they been incorporated in a draft resolution concerning the Federal Republic of Yugoslavia;

since they had been incorporated in a draft resolution concerning Kosovo alone, it had abstained.

107. **Mr. Chuquihuara** (Peru) said that his country had abstained in the voting because the draft resolution did not expressly recognize that Kosovo was part of the sovereign State of the Federal Republic of Yugoslavia.

108. **Mr. Ren Yisheng** (China) and **Mr. Mukhopadhaya** (India) said that they would explain their delegations' positions when the General Assembly voted on the draft resolution in plenary meeting.

109. **Ms. Di Felice** (Venezuela) said that her delegation had abstained in the voting because, like the delegations of the Russian Federation and Peru, it believed that the draft resolution dealt with the human rights situation in Kosovo as if the latter were not part of a sovereign State. It would have voted otherwise, had the question been addressed in the framework of a draft resolution concerning the territory of the Federal Republic of Yugoslavia.

110. **Ms. Riederer** (Austria), speaking on behalf of the European Union, welcomed the adoption of the draft resolution, which all members of the European Union had sponsored. Nonetheless, the name of the Federal Republic of Yugoslavia should not be followed by the names in parentheses.

Agenda item 104: Implementation of the outcome of the Fourth World Conference on Women (*continued*) (A/C.3/53/L.27)

Draft resolution A/C.3/53/L.27: Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action

111. **Ms. Newell** (Secretary of the Committee) said that, according to a memo she had received from the Programme Planning and Budget Division, the cost of the activities outlined in paragraph 41 of the draft resolution would amount to approximately $630,000–$480,000 in 1999 and $150,000 in the year 2000. The requirements for 1999 would be met from extrabudgetary resources and there would thus not be any additional requirements arising under the programme budget for the biennium 1998–1999. Requirements for the year 2000 would be reflected in the proposed programme budget for the biennium 2000–2001, which would be submitted to the General Assembly for adoption at its fifty-fourth session.

112. With regard to the human and financial resources requested in paragraph 27 of the draft resolution, the Programme Planning and Budget Division drew the Committee's attention to General Assembly resolution 45/248, Part B, section VI, in which the Assembly had reaffirmed that the Fifth Committee was the appropriate Main Committee entrusted with responsibilities for administrative and budgetary matters; expressed concern at the tendency of its substantive Committees and other intergovernmental bodies to involve themselves in administrative and budgetary matters; and invited the Secretary-General to provide all intergovernmental bodies with the required information regarding procedures for administrative and budgetary matters.

113. *Draft resolution A/C.3/53/L.27 was adopted without a vote.*

114. **The Chairman** said that the Committee had thus concluded its consideration of agenda item 104.

The meeting rose at 6.20 p.m.